

104TH CONGRESS
2D SESSION

S. 1593

To amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1996

Mr. SPECTER (for himself and Mr. KERREY) introduced the following bill;
which was read twice and referred to the Select Committee on Intelligence

A BILL

To amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall be referred to as the “Intelligence Or-
4 ganization Act of 1996”.

1 TITLE I—AMENDMENTS TO THE NATIONAL
2 SECURITY ACT OF 1947

3 CREATION OF DEPUTY DIRECTORS OF CENTRAL
4 INTELLIGENCE

5 SEC. 101. (a) Subsection 102(b) of the National Se-
6 curity Act of 1947 (50 U.S.C. 403(b)) is amended by
7 striking the subsection in its entirety and by inserting in
8 lieu thereof:

9 “(b) To assist the Director of Central Intelligence in
10 carrying out the Director’s responsibilities under this Act,
11 there shall be a Deputy Director of Central Intelligence
12 for the Intelligence Community and Deputy Director of
13 Central Intelligence for the Central Intelligence Agency.

14 “(1) The Deputy Director of Central Intel-
15 ligence for the Intelligence Community shall be ap-
16 pointed by the President, by and with the advice and
17 consent of the Senate, and shall act for, and exercise
18 the powers of, the Director during the Director’s ab-
19 sence or disability. This official shall assist the Di-
20 rector of Central Intelligence in carrying out his re-
21 sponsibilities pursuant to subsection 103(c) of this
22 Act.

23 “(2) The Deputy Director of Central Intel-
24 ligence for the Central Intelligence Agency shall be
25 appointed by the President, by and with the advice

1 and consent of the Senate, for a term not to exceed
 2 six years, which shall be renewed by the President
 3 at the end of two years and at the end of four years
 4 of service in this position. This official shall assist
 5 the Director of Central Intelligence in carrying out
 6 his responsibilities pursuant to subsections 103 (a)
 7 and (d) of this Act.”

8 (b) Subsection 102(c)(1) of the National Security Act
 9 of 1947 is amended by—

10 (1) Striking “Deputy Director” and inserting in
 11 lieu thereof “either of the Deputy Directors”; and

12 (2) Striking “both positions be simultaneously”
 13 and inserting in lieu thereof “more than one of the
 14 three positions be”.

15 (c) Subsection (c)(2) of the National Security Act of
 16 1947 is amended by striking “the Deputy Director” and
 17 inserting in lieu thereof “one of the Deputy Directors”.

18 ROLE OF THE DIRECTOR OF CENTRAL INTELLIGENCE
 19 WITH RESPECT TO THE APPOINTMENTS AND EVAL-
 20 UATIONS OF THE HEADS OF CERTAIN AGENCIES
 21 WITHIN THE INTELLIGENCE COMMUNITY

22 SEC. 102. (a) Section 106 of the National Security
 23 Act of 1947 (50 U.S.C. 403–6) is amended by striking
 24 the title and text of the section in their entirety and insert-
 25 ing in lieu thereof:

1 “ADMINISTRATIVE PROVISIONS PERTAINING TO THE AP-
2 POINTMENT AND EVALUATION OF OFFICIALS WITHIN
3 THE INTELLIGENCE COMMUNITY

4 “SEC. 106. (a) CONCURRENCE OF THE DCI IN CER-
5 TAIN APPOINTMENTS.—The concurrence of the Director
6 of Central Intelligence shall be required with respect to
7 the appointment of the head of the National Security
8 Agency, the Central Imagery Office, and the National Re-
9 connaissance Office, when made by the Secretary of De-
10 fense, or shall be required to accompany the recommenda-
11 tion of the Secretary of Defense when such appointments
12 are made by the President.

13 (b) “CONSULTATIONS WITH REGARD TO CERTAIN
14 APPOINTMENTS.—The Director of Central Intelligence
15 shall be consulted by the Secretary of Defense prior to
16 the appointment of the Director, Defense Intelligence
17 Agency; by the Secretary of State, prior to the appoint-
18 ment of the Assistant Secretary of State (Intelligence and
19 Research); by the Secretary of Energy prior to the ap-
20 pointment of the Director, Office of Nonproliferation and
21 National Security; and by the Director of the Federal Bu-
22 reau of Investigation prior to appointment of the Assistant
23 Director for the National Security Division of the Federal
24 Bureau of Investigation.

1 “(c) EVALUATION OF CERTAIN OFFICIALS WITHIN
 2 THE INTELLIGENCE COMMUNITY.—The Director of
 3 Central Intelligence shall provide annually to the Sec-
 4 retary of Defense an evaluation of the performance of the
 5 Directors of the National Security Agency, the National
 6 Imagery and Mapping Agency, and the National Recon-
 7 naissance Office in fulfilling their respective responsibil-
 8 ities with regard to the National Foreign Intelligence Pro-
 9 gram.”

10 NATIONAL ASSESSMENTS CENTER

11 SEC. 103. (a) Subsection 103(b) of the National Se-
 12 curity Act of 1947 (50 U.S.C. 403–3(b)) is amended:

13 (1) in subsection (1)(A) by striking “National
 14 Intelligence Council” in the title of the subsection
 15 and where it appears in the text of the subsection
 16 and inserting in lieu thereof “National Assessments
 17 Center”; and by inserting at the end of the sub-
 18 section: “The Center shall be located at a place
 19 readily accessible to policymaking officials and per-
 20 sons who are not otherwise associated with the intel-
 21 ligence community.”;

22 (2) by striking “Council” where it appears and
 23 inserting in lieu thereof “Center”;

24 (3) in subsection (1)(B), by striking “on the
 25 Council” and inserting in lieu thereof “at the Cen-
 26 ter, or as contractors of the Center,”

(4) in subsection (2) by striking “and” at the end of subsection (A), by renumbering subsection “(B)” as subsection “(C)” and inserting in lieu thereof:

“(B) produce classified and unclassified assessments of long-term issues of major importance to United States national security interests; and”

(5) by renumbering subsection “(4)” as “(5)” and subsection “(5)” as “(6)” and by inserting after subsection (3) the following:

“(4) The Center shall, by entering into such contractual relationships as may be appropriate, obtain the services of substantive experts in the private sector with respect to the preparation of particular estimates or assessments.”

NATIONAL IMAGERY AND MAPPING AGENCY

SEC. 104. Subsection 105(b)(2) of the National Security Act of 1947 is amended by striking “Central Imagery Office” and inserting in lieu thereof “National Imagery and Mapping Agency”.

TITLE II—TEMPORARY AUTHORITY TO ELIMINATE CERTAIN POSITIONS

TEMPORARY AUTHORITY TO ELIMINATE POSITIONS

SEC. 201. (a) Notwithstanding any other provision of law, the Director of Central Intelligence and the Sec-

1 retary of Defense, for a period of one year from the date
2 of enactment of this title, may, in accordance with this
3 title, eliminate employee positions within the agencies of
4 the Intelligence Community subject to their respective au-
5 thority in order to achieve more effectively and efficiently
6 the mission of the agencies concerned, provided that such
7 authority shall be available only where the Director or the
8 Secretary determines that reductions in the workforce of
9 particular agencies of 10 percent or more above the per-
10 sonnel levels previously mandated by the Congress or the
11 President are needed.

12 (b) If the Secretary of Defense chooses to exercise
13 the authority provided by this title, he may delegate the
14 authority to carry out the remaining provisions of this title
15 to the head or heads of the intelligence agency or agencies
16 affected.

17 (c) If the Director of Central Intelligence or Sec-
18 retary of Defense chooses to exercise the authority pro-
19 vided by this title, the Director or the Secretary, as the
20 case may be, shall within 90 days of such determination
21 issue regulations to govern the exercise of this authority.
22 At a minimum, such regulations shall provide:

23 (1) With respect to employees who are incum-
24 bents of positions identified for elimination, the fol-
25 lowing shall apply:

1 (A) For employees who are at the age to
2 retire but lack five years of service or less in
3 order to qualify for retirement; or who have the
4 service required for retirement and are within
5 five years of reaching the age to retire, such
6 employees shall be allowed to retire with full
7 benefits.

8 (B) For employees who do not qualify for
9 accelerated retirement under (A):

10 (i) A one-time payment of not less
11 than \$35,000 nor more than \$50,000 shall
12 be authorized, the precise amount to be de-
13 termined in accordance with criteria estab-
14 lished by the agency head. In any case
15 where the severance pay due an employee
16 under civil service reduction-in-force proce-
17 dures would be greater than the amount
18 authorized under this section, the amount
19 paid to the employee would be the sever-
20 ance pay;

21 (ii) The health and life insurance cov-
22 erage of such employees shall be continued
23 for a period of 12 months following loss of
24 employment; and

1 (iii) Out-placement assistance shall be
2 provided by the employing agency to af-
3 fected employees for a period of 12 months
4 following termination of employment; or

5 (iv) An employee who is the incum-
6 bent of a position identified for elimination
7 may retain employment with the agency
8 provided that he or she can, in accordance
9 with criteria established by the agency
10 head, exchange positions with the incum-
11 bent of a position that has not been identi-
12 fied for elimination who would be eligible
13 for accelerated retirement under (A). In
14 this event, the employee eligible for accel-
15 erated retirement would be allowed to re-
16 tire with full benefits.

17 (d) Loss of employment pursuant to this title shall
18 not prejudice future employment with the Federal Govern-
19 ment. Any person who may be reemployed by the Federal
20 Government within two years of accepting compensation
21 pursuant to subsection (c)(1)(B)(i) herein shall be re-
22 quired to return the entire cash payment received to the
23 United States Treasury.

1 (e) Nothing in this title affects the leave or benefits
 2 to which an employee, whose position is terminated pursu-
 3 ant to this title, may otherwise be entitled.

4 (f) Exercise of the authority provided by this title in
 5 a manner that discriminates against any employee of an
 6 intelligence agency on the basis of race, religion, age, gen-
 7 der, sexual preference, or disability is prohibited.

8 REPORTING AND OVERSIGHT

9 SEC. 202. If the Director of Central Intelligence or
 10 the Secretary of Defense chooses to exercise the authority
 11 provided by this title, the Director of Central Intelligence
 12 or the Secretary of Defense, as the case may be, shall—

13 (1) inform the congressional intelligence com-
 14 mittees within seven days of his decision to exercise
 15 the authority provided by this title;

16 (2) provide copies of the regulations required by
 17 subsection 201(c) to the congressional intelligence
 18 committees within seven days of their issuance; and

19 (3) within thirty days of the termination of this
 20 authority, provide a detailed report to the congres-
 21 sional intelligence committees with respect to the re-
 22 sults obtained by use of this authority.

23 DEFINITIONS

24 SEC. 203. For purposes of this title—

25 (1) the term “congressional intelligence commit-
 26 tees” means the Select Committee on Intelligence of

1 the Senate and the Permanent Select Committee on
2 Intelligence of the House of Representatives;

3 (2) the term “employee” has the same meaning
4 as set forth in 5 U.S.C. 2105;

5 (3) the term “Intelligence Community” has the
6 same meaning as defined by 50 U.S.C. 401a(4);

7 (4) the term “out-placement assistance” means
8 assistance in finding new employment outside the in-
9 telligence agency concerned and includes such activi-
10 ties as professional counseling, assistance in prepar-
11 ing resumes, making contacts with potential employ-
12 ers, and identifying potential job opportunities;

13 (5) the term “position” refers to a billet within
14 an organizational structure that has been formally
15 established pursuant to applicable law and agency
16 regulation;

17 (6) the term “reduction-in-force procedures” re-
18 fers to the procedures established pursuant to 5
19 U.S.C. 3502; and

20 (7) the terms “retire” and “retirement” encom-
21 pass each of the retirement systems in which em-
22 ployees of intelligence agencies may be participants
23 to include the Civil Service Retirement System (5
24 U.S.C. 8399), the Federal Employees Retirement

1 System (5 U.S.C. 415), or the CIA Retirement and
2 Disability System (50 U.S.C. 2001, note).

3 TITLE III—INTELLIGENCE COMMUNITY SENIOR
4 EXECUTIVE SERVICE

5 SEC. 301. Title I of the National Security Act of
6 1947 is amended by inserting at the end thereof the fol-
7 lowing new section:

8 “INTELLIGENCE COMMUNITY SENIOR EXECUTIVE
9 SERVICE

10 “SEC. 110. (a) The Director of Central Intelligence
11 shall by regulation establish a personnel system for senior
12 civilian personnel within the Intelligence Community to be
13 known as the Intelligence Community Senior Executive
14 Service. This system shall include the Central Intelligence
15 Agency, the Defense Intelligence Agency, the Central Im-
16 agery Office, (or the National Imagery and Mapping
17 Agency), the National Security Agency, and Department
18 of Defense intelligence activities the civilian employees of
19 which are subject to section 1590 of title 10, United
20 States Code. The regulations establishing the Intelligence
21 Community Senior Executive Service shall be developed in
22 consultation with the Secretary of Defense and shall take
23 effect one year from the date of enactment of this title.
24 Such regulations shall—

1 “(1) meet the requirements set forth in section
2 3131 of title 5, United States Code for the Senior
3 Executive Service;

4 “(2) provide that positions in the Intelligence
5 Community Senior Executive Service meet require-
6 ments that are consistent with the provisions of sec-
7 tion 3132(a)(2) of title 5, United States Code;

8 “(3) provide rates of pay for the Intelligence
9 Community Senior Executive Service that are not in
10 excess of the maximum rate or less than the mini-
11 mum rate of basic pay established for the Senior Ex-
12 ecutive Service under section 5382 of title 5, United
13 States Code, and that are adjusted at the same time
14 and to the same extent as rates of basic pay for the
15 Senior Executive Service are adjusted;

16 “(4) provide that nothing in this provision or
17 subsequent regulations shall be construed to allow
18 the aggregate amount payable to a member of the
19 Intelligence Community Senior Executive Service
20 during any fiscal year to exceed the annual rate pay-
21 able for positions at level I of the Executive Sched-
22 ule in effect at the end of such year;

23 “(5) provide a performance appraisal system for
24 the Intelligence Community Senior Executive Serv-
25 ice;

1 “(6) provide for—

2 “(A) removal or suspension from the Intel-
3 ligence Community Senior Executive Service;

4 “(B) reduction-in-force procedures consist-
5 ent with section 3595(a) of title 5, United
6 States Code, together with measures to ensure
7 that a member of the Intelligence Community
8 Senior Executive Service may not be removed
9 due to reduction-in-force unless reasonable ef-
10 forts to place such a member in another posi-
11 tion are taken first;

12 “(C) procedures in accordance with which
13 any furlough affecting the Intelligence Commu-
14 nity Senior Executive Service shall be carried
15 out;

16 “(D) procedures setting forth due process
17 rights to which members of the Intelligence
18 Community Senior Executive Service are enti-
19 tled in cases of removal or suspension; and

20 “(E) recertification consistent with section
21 3393a of title 5, United States Code.

22 “(6) permit the payment of performance awards
23 to members of the Intelligence Community Senior
24 Executive Service consistent with the provisions ap-

1 plicable to performance awards under section 5384
2 of title 5, United States Code;

3 “(7) provide that members of the Intelligence
4 Community Senior Executive Service may be grant-
5 ed sabbatical leaves consistent with the provisions of
6 section 3396(c) of title 5, United States Code.

7 “(b)(1) Except as provided in subsection (a), the Di-
8 rector of Central Intelligence—

9 “(A) may make applicable to the Intelligence
10 Community Senior Executive Service any of the pro-
11 visions of this title applicable to applicants for or
12 members of the Intelligence Community Senior Ex-
13 ecutive Service; and

14 “(B) shall delegate to the heads of the Defense
15 Intelligence Agency, the Central Imagery Office (or
16 the National Imagery and Mapping Agency), the
17 National Security Agency, and to the Department of
18 Defense intelligence activities the civilian employees
19 of which are subject to section 1590 of title 10,
20 United States Code, the authority to appoint, pro-
21 mote, and assign individuals to Intelligence Commu-
22 nity Senior Executive Service positions within their
23 respective agencies or activities without regard to
24 the provisions of title 5, United States Code, govern-
25 ing appointments and other personnel actions in the

1 competitive service, provided that such actions shall
2 be subject to the approval of the Director of Central
3 Intelligence in accordance with the regulations pro-
4 mulgated pursuant to section (a).

5 “(2)(A) Notwithstanding any other provision of this
6 title, any individual who is a member of the Senior Execu-
7 tive Service or an equivalent personnel system at the
8 Central Intelligence Agency, the Defense Intelligence
9 Agency, the Central Imagery Office (or the National Im-
10 agery and Mapping Agency), the National Security Agen-
11 cy, or a Department of Defense intelligence activity the
12 civilian employees of which are subject to section 1590 of
13 title 10, United States Code, at the time the Intelligence
14 Community Senior Executive Service is established pursu-
15 ant to this title shall be a member of the Intelligence Com-
16 munity Senior Executive Service.

17 “(B) Once the Intelligence Community Senior Execu-
18 tive Service has been established, no individual may be se-
19 lected for membership unless such individual is a career
20 employee of the Intelligence Community and has served
21 at least one assignment outside his or her employing agen-
22 cy. For purposes of this subsection, “career employee of
23 the Intelligence Community” shall have such meaning as
24 the Director of Central Intelligence, in consultation with

1 the Director of the Office of Personnel Management, by
2 regulation prescribes.

3 “(c) The President, based upon the recommendations
4 of the Director of Central Intelligence, may award ranks
5 to members of the Intelligence Community Senior Execu-
6 tive Service in a manner consistent with section 4507 of
7 title 5, United States Code.

8 “(d) Notwithstanding any other provision of law, the
9 Director of Central Intelligence, with the concurrence of
10 the head of the intelligence agency affected, may detail
11 or assign, for the benefit of the Intelligence Community,
12 any member of the Intelligence Community Senior Execu-
13 tive Service to serve in a position outside of the individ-
14 ual’s parent organization, including elsewhere in the Intel-
15 ligence Community, another Government agency, or out-
16 side the Federal Government. Any such member shall not
17 by reason of such detail or assignment lose any entitle-
18 ment or status associated with membership in the Intel-
19 ligence Community Senior Executive Service.

20 “(e) The Director of Central Intelligence shall submit
21 to the Congress each year, at the time the budget is sub-
22 mitted by the President for the next fiscal year, a report
23 on the Intelligence Community Senior Executive Service.
24 The report shall include, in the aggregate and by agency—

1 “(1) the number of Intelligence Community
2 Senior Executive Service positions established as of
3 the end of the preceding fiscal year;

4 “(2) the number of individuals being paid at
5 each rate of basic pay for the Intelligence Commu-
6 nity Senior Executive Service as of the end of the
7 preceding fiscal year;

8 “(3) the number, distribution, and amount of
9 awards paid to members of the Intelligence Commu-
10 nity Senior Executive Service during the preceding
11 fiscal year; and

12 “(4) the number of individuals removed from
13 the Intelligence Community Senior Executive Service
14 during the preceding fiscal year—

15 “(A) for less than fully successful perform-
16 ance;

17 “(B) due to a reduction-in-force; or

18 “(C) for any other reason.”

19 SEC. 302. Effective one year from the date of enact-
20 ment of this title:

21 (a) Subsections 12 (a) and (c) of the National
22 Security Agency Act of 1959 are repealed.

23 (b) Section 1601 and 1603 of chapter 83 of
24 title 10, United States Code, are repealed; and sub-
25 section 1604(b) is amended by striking “Defense In-

1 intelligence Senior Executive Service” and inserting in
 2 lieu thereof “Intelligence Community Senior Execu-
 3 tive Service”.

4 (c) Section 1590 of title 10, United States
 5 Code, is amended by—

6 (1) inserting at the beginning of subsection

7 (a) “Except as provided by section 110 of the
 8 National Security Act of 1947 (as added by this
 9 title)”;

10 (2) striking subsection (a)(1) and inserting
 11 in lieu thereof:

12 “(1) establish such positions for civilian intel-
 13 ligence officers and employees of the military depart-
 14 ments as may be necessary to carry out the intel-
 15 ligence functions of such departments;”

16 (3) in subsection (b) by striking the second
 17 sentence and by striking “Senior Executive
 18 Service of a military department” in the third
 19 sentence and inserting in lieu thereof “Intel-
 20 ligence Community Senior Executive Service”;
 21 and

22 (4) striking subsections (f) and (g) in their
 23 entirety.

○

S 1593 IS—2